

1 THE HONORABLE BENJAMIN H. SETTLE
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10 UNITED STATES DISTRICT COURT
11 WESTERN DISTRICT OF WASHINGTON AT TACOMA
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13 IN THE MATTER OF THE COMPLAINT
14 OF THE SCANDIES ROSE FISHING
15 COMPANY LLC AND MATTSEN
16 MANAGEMENT LLC, AS OWNERS
17 AND/OR OPERATORS OF THE VESSEL
18 SCANDIES ROSE, OFFICIAL NUMBER
19 602351, FOR EXONERATION FROM
20 AND/OR LIMITATION OF LIABILITY

IN ADMIRALTY

Case No. 3:20-cv-05376-BHS

NOTICE OF SETTLEMENT

COME NOW the parties to this action and notify the Court that this matter has been settled and resolved between Limitation Plaintiffs and Claimants. Settlement funds will soon be received by counsel for Limitation Plaintiffs. Claimants have disputes between themselves with respect to their individual claims. The allocation of amounts between claimants are disputed. Due to the complexity of the litigation and because there is a minor involved in the proposed settlement, it will may take several months to finalize the settlement process between the Limitation Plaintiffs and Claimants. Accordingly the parties request that:

- 21 1) All pending dates, including the trial date, be stricken;
- 22 2) That the parties advise the Court on or before January 3, 2021, of the status of
23 the settlement process.

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2 Attorney Gerald Markham who represents three estates has not signed this
3 notice. Mr. Markham does agree that as between Limitation Plaintiffs and claimants that a
4 settlement has been reached but is subject to Alaska Superior Court approval of that settlement
5 as provided in the Parties settlement agreement that states:

6 "In anticipation that this offer will be accepted and policy limits will be paid, the
7 claimants will submit the appropriate paperwork for the Alaska Superior court's
8 minor approval and payment of any share to any minor. This offer is further
conditioned on the Court's approval that settlement within policy limits is in the
best interests of the child."

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10 And while he has every expectation of the Alaska Superior Court approval that this settlement
11 within policy limits is in the best interests of the child' will be forth coming (which would allow
12 him to represent that as between Limitations Plaintiff and Claimants a settlement has been
13 reached) he feels he cannot sign this Notice which says settlement has been reached, when this
14 aspect of the case remains. He is further hesitant to sign any notice that suggests that this court
15 has no further jurisdiction over the parties until, as their settlement agreement provides, the
16 Claimants review the Limitation Plaintiff's deductions from the policy and the exact sum due
17 under the agreement have been determined, the settlement funds have been paid and the
18 releases that limitation Plaintiff proposes is signed by all parties pursuant to the parties'
19 agreement and an allocation between claimants to those funds remain undecided. With regard
20 to the items number 1-2 he has authorized Limitation Plaintiff to state he agrees.

1 DATED this 2nd day of November, 2020.

2 HOLMES WEDDLE & BARCOTT, P.C.
3

4 */s/ Michael A. Barcott*
5 Michael A. Barcott, WSBA #13317
6 Daniel P. Barcott, WSBA #50282
7 3101 Western Ave, Suite 500
8 Seattle, Washington 98121
9 Telephone: 206-292-8008
10 Facsimile: 206-340-0289
11 Email: mbarcott@hwb-law.com
dbarcott@hwb-law.com
12 Attorneys for Limitation Plaintiffs

13 STACEY & JACOBSEN, PLLC
14

15 */s/ Joseph S. Stacey*
16 Joseph S. Stacey, WSBA #12840
17 jstacey@maritimelawyer.us
18 James P. Jacobsen, WSBA #16331
19 jjacobsen@maritimelawyer.us
20 Nigel T. Stacey, WSBA #55458
21 4039 21st Avenue, W, Suite 401
22 Seattle, WA 98199
23 Phone: 206-282-3100
24 Attorneys for Claimants Dean Gribble and Jon Lawler

COLUCCIO LAW

/s/ Kevin Coluccio
Kevin Coluccio, WSBA #16245
[kc@coluccio-law.com](mailto:kcc@coluccio-law.com)
2025 1st Avenue, Suite 1130
Seattle, WA 98121
Phone: 206-826-8200
Attorney for Claimant Estate of Seth Rousseau-Gano

1 **CERTIFICATE OF SERVICE**

2 I hereby certify that on this 2nd day
3 of November, 2020, a true and
4 correct copy of the foregoing was served via
5 CM/ECF to:

6 **Attorneys for the Estate of Arthur Ganacias, the Estate of Brock Rainey, and the Estate of David Leigh Cobban**

7 Gerald W. Markham
8 Attorney at Law
9 211 Mill Bay Road
10 Kodiak AK 99615
11 gmarkham@nwlink.com
12 Telephone: (907) 486-4194

13 Lawrence Delay
14 Law Office of Lawrence Delay
15 P.O. Box 698
16 Friday Harbor, WA 98250-0698
17 lcdelay@rockisland.com
18 Telephone: (360) 378-6976

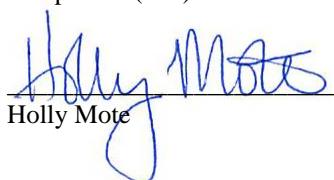
19 **Attorneys for the Estate of Seth Rousseau-Gano**

20 Lee Tucker
21 The Tucker Law Firm, PLLC
22 144 Railroad Ave., Suite 220
23 Edmonds, WA 98020
24 lee@thetuckerlawfirm.com
25 Telephone: (206) 790-5842

26 Kevin Coluccio
27 Coluccio Law
28 2025 First Ave., Suite 1130
29 Seattle, WA 98121
30 kc@coluccio-law.com
31 Telephone: (206) 623-8200

32 **Attorneys for Dean Gribble and Jon Lawler**

33 Joseph S. Stacey
34 James P. Jacobsen
35 Nigel T. Stacey
36 Stacey & Jacobsen, LLP
37 4039 21st Ave W, Suite 401
38 Seattle, WA 98199
39 jstacey@maritimelawyer.us
40 jjacobsen@maritimelawyer.us
41 nstacey@maritimelawyer.us
42 Telephone: (206) 282-3100

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